

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANDREW YOUNG,

Plaintiff,

v.

JAMES A. KAKU AND DARREL KAKU,

Defendants.

2:07-cv-00484-RCJ-LRL

ORDER AND RECOMMENDATION

Before the court is plaintiff's Motion to Assign Nevada Investigative Groups, LLC to Find and Serve the Defendant Darrel Kaku, with a Copy of the Summons and Complaint (#83). Also before the court is plaintiff's Motion for Enlargement of Time to Have Defendant, Darrel Kaku Served With a Copy of the Summons and Complaint (Fifth Request) (#85). For the following reasons, both motions (##83, 85) will be denied.

Motion (#83)

Through his Motion (#83), plaintiff requests this court to appoint and pay Nevada Investigative Groups, LLC, \$500 to locate and perfect service on Darrel Kaku. Plaintiff is appearing *in forma pauperis*, and is therefore entitled to service of his summons and complaint by the U.S. Marshal service. *In forma pauperis* status does not, however, entitle plaintiff to court-funded private investigation services. Plaintiff's Motion to Assign Nevada Investigative Groups, LLC to Find and Serve the Defendant Darrel Kaku, with a Copy of the Summons and Complaint (#83) shall therefore be denied.

Motion (#85)

Through his Motion (#85), plaintiff requests an additional 120 days in which to serve Darrel Kaku. On May 12, 2010, this court granted plaintiff's Motion to Extend Time for Service of Summons

1 and Complaint for Defendant Darrel Kaku (Fourth Request) (#78). Order (#79). Pursuant to Order
2 (#79), the deadline to serve Darrel Kaku was June 14, 2010, or 305 days after the original deadline to
3 serve the Amended Complaint (#39). The court warned plaintiff, "This is the last extension of time to
4 serve Kaku that the court will grant." *Id.* Plaintiff was further warned that if he failed to effect service
5 on Darrel Kaku by June 14, 2010, his action against Darrel Kaku would be dismissed.

6 Accordingly, and for good cause shown,

7 IT IS ORDERED that plaintiff's Motion to Assign Nevada Investigative Groups, LLC to Find
8 and Serve the Defendant Darrel Kaku, with a Copy of the Summons and Complaint (#83) is DENIED.

9 IT IS FURTHER ORDERED that plaintiff's Motion for Enlargement of Time to Have
10 Defendant, Darrel Kaku Served With a Copy of the Summons and Complaint (Fifth Request) (#85)
11 is DENIED.

12 IT IS FURTHER RECOMMENDED that Darrel Kaku be dismissed without prejudice as a
13 defendant in this action.

14 DATED this 21st day of June, 2010.

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17 **LAWRENCE R. LEAVITT**
18 **UNITED STATES MAGISTRATE JUDGE**
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